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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,888	03/22/2004	Robert William Winter	51432/RRT/A784	2212
79456	7590	03/06/2009		
Robert W. Winter 1091 Lakeview Terrace Azusa, CA 91702			EXAMINER MYINT, DENNIS Y	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 03/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT WILLIAM WINTER

Application No. 10/805,888
Technology Center: 2100

Mailed: March 6, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 4, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF – CLAIMS APPENDIX

On July 2, 2008, appellant filed an Appeal Brief. A review of the file reveals that claim 11 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed January 10, 2008. An Advisory Action filed by the examiner on March 3, 2008, stated that the amendments have been entered. Appropriate correction is required.

A Supplemental Appeal Brief is required for the claims appendix.

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed July 2, 2008, defective;
- 2) notify appellants to file a Supplemental Appeal Brief with a correct copy of claims for the Claims Appendix;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief; and
- 4) for such further action as may be appropriate.

Application 10/805,888

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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